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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/749,826

12/28/2000

John Alson Hicks III

00343

5202

38516 7590 07/17/2009

AT&T Legal Department - SZ

Attn: Patent Docketing

Room 2A-207

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EXAMINER

PARRY, CHRISTOPHER L

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

07/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/749,826	Applicant(s) HICKS ET AL.	
	Examiner CHRIS PARRY	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,17-20 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,17-20 and 23-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 February 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 4-7, 17-20, and 23-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 5 is objected to because of the following informalities: Claim 5 recites the limitation "the command" in line 2 and the limitation "the remote control" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

4. Claim 17 is objected to because of the following informalities: Claim 17 recites the limitation "the video overlay signals" in line 61. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

5. Claim 19 is objected to because of the following informalities: Claim 19 is a dependent of claim 17 and recites the limitation "the command" in lines 2-3 and the limitation "the remote control" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

6. Claim 26 is objected to because of the following informalities: Claim 26 recites the limitation "the media bus" in line 17. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

7. Claim 27 is objected to because of the following informalities: Claim 27 recites the limitation "the residential gateway" in line 4. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 17-20 and 23-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 17 and 26 recite connecting a mass storage device to the system data bus and storing the system data bus information and **the superimposed signal**. The

specification discloses system data bus 620 can be coupled to the media bus 610 to receive information signals (e.g., for storage on mass storage device 103, for sending to information appliances, and so on) and media bus 610 and system data bus 620 can be coupled to a video overlay processor 605 to support at least in part picture-in-picture operations, picture-in-graphic operations, and other video overlay operations (page 23, lines 6-11). The specifications fails to reasonably convey that mass storage device 103 stores the received superimposed signal from video overlay processor 605.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib et al. "Rakib" (USPN 6,889,385) in view of Sheppard et al. "Sheppard" (US Pub. No. 2003/0192053) further in view of Hirota (USPN 6,839,902), further in view of Ellis et al. "Ellis" (US 2008/0184306 A1), and further in view of Barton et al. "Barton" (USPN 6,233,389 B1).

Regarding Claim 1, Rakib discloses a system for multimedia on demand (figure 7A – 308), the system comprising:

a plurality of buses comprising a media bus (761 – figure 7A), a network bus (760/787 – figure 7A), and a system data bus (756 – figure 7A);

a plurality of tuners (780, 700, 702, 704 – figure 7A) and demodulators (820, 738, 746 – figure 7A) connected to an analog-to-digital converter (730 – figure 7A), the plurality of tuners and demodulators sending an analog information signal to the analog-to-digital converter, and the analog-to-digital converter outputting digital information signal based at least in part on the analog information signal (Col. 32, lines 49-52, Col. 33, lines 24-39, Col. 34, lines 16-52);

the plurality of tuners and demodulators also connected to a decryption circuit (726/786 – figure 7A) that decrypts an encrypted information signal received from the plurality of tuners and demodulators and produces a decrypted information signal (Col. 36, lines 4-30);

a decoder circuit (742 – figure 7A) that converts the information signal from one format to a second format (Col. 34, lines 24-36);

a cipher/decipher circuit connected to the decoder circuit [742] and connected to the analog-to-digital converter [730] that decipheres the digital information from the analog-to-digital converter and decipheres the converted decrypted information signal from the decoder circuit (i.e., compressed video data in encapsulated in PCI bus packets for transmission on bus 761) (Col. 34, lines 37-38);

the cipher/decipher circuit connected to the media bus (761 – figure 7A) and sending deciphered information signals to the media bus (Col. 34, lines 37-41);

the system data bus (756 – figure 7A) connected to the media bus (761 – figure 7A) and configured to only receive the deciphered information signals from the media bus, the system data bus unable to send information to the media bus (i.e., system data

bus 756 only sends signals to individual circuits that are directly connected) (figure 7A) (Col. 35, line 56 to Col. 36, line 30);

the network bus (760/787 – figure 7A) connected to the system data bus (756 – figure 7A) and receiving system data bus information communicated along the system data bus (Col. 34, lines 48-52);

a mass storage device (135 – figure 7A) connected to the system data bus (756 – figure 7A);

a data switch (786 – figure 7A) connected to the network bus (760/787 – figure 7A), the data switch receiving the system data bus information and sending the system data bus information to one or more switch ports; (Col. 33, lines 32-35 and Col. 34, lines 48-59)

a processor (728 – figure 7A) connected to the system data bus (756 – figure 7A) (Col. 33, lines 24-35); and

memory (129 – figure 7A) coupled to the system data bus (756 – figure 7A).

Rakib fails to specifically disclose a decoder circuit connected to the decryption circuit, a cipher/decipher circuit connected to the decoder circuit, a video overlay processor, a network bus receiving video overlay signals, a mass storage device connected to the system data bus and storing the system data bus information and the video overlay signals, a data switch connected to the network bus, the data switch receiving the system data bus information and the video overlay signals and sending the system data bus information and the video overlay signals to one or more switch ports, and wherein a browser-based graphical user interface is stored in the memory.

In an analogous art, Sheppard discloses a system for multimedia on demand (figure 5), the system comprising:

a video overlay processor (450 – figure 5) connected between the system data bus (422 – figure 5) and the media bus (424 – figure 5), the video overlay processor receiving the deciphered information signals from the media bus [424] and sending video overlay signals to the system data bus [422] (§ 0069-0071);

the network bus (interconnecting line between CNTRL BUS 422 and NIM 410) connected to the system data bus (422 – figure 5) and receiving system data bus and video overlay information communicated along the system data bus (§ 0057-0058 & 0069-0071).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rakib to include a video overlay processor and a network bus receiving system data bus and video overlay information as taught by Sheppard for the benefit of supporting communications with multiple locations within the home.

Rakib and Sheppard fail to specifically disclose a decoder circuit connected to the decryption circuit and a mass storage device receiving system data bus information and video overlay signals.

In an analogous art, Hirota discloses a system for multimedia on demand (figure 1), the system comprising:

a decoder circuit (17 – figure 1) connected to the decryption circuit (15 – figure 1) that converts the decrypted information signal from one format to a second format (Col. 3, lines 25-48);

a video overlay processor (110 – figure 1) connected between the system data bus and the media bus, the video overlay processor receiving the deciphered information signals from the media bus and sending video overlay signals to the system data bus (Col. 3, lines 40-59);

a mass storage device (119 – figure 1) connected to the system data bus and storing the system data bus information and the video overlay signals (Col. 4, lines 20-64).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rakib and Sheppard to include a decoder circuit connected to the decryption circuit and a mass storage device storing system data bus information and the video overlay signals as taught by Hirota for the benefit of allowing user's to store their favorite programs for viewing at a later time.

Rakib, Sheppard, and Hirota fail to specifically disclose wherein a browser-based graphical user interface is stored in the memory, the processor automatically downloads and stores content items to the memory, the processor receives an instruction to retrieve the graphical user interface from the memory, and the processor sends the graphical user interface to a client device with the graphical user interface describing the content items stored in the memory.

In an analogous art, Ellis discloses a system for multimedia on demand (17 – figures 2a-2e), the system comprising:

a processor (11 – figures 2a-2e); and memory (13,15 – figures 2a-2e);

wherein a browser-based graphical user interface (350 – figure 18d; ¶ 196) is stored in the memory (i.e., memory 13/15 may be used to cache program guide data including directory data, ¶ 0078-0080), the processor [11] automatically downloads and stores content items to the memory (i.e., processing circuitry 11 retrieves program guide data from program guide server 25, ¶ 0067-0070), the processor [11] receives an instruction to retrieve the graphical user interface [350] from the memory (i.e., user television equipment 22 receives a Directory command from remote control 40 which is processed by remote server 24), and the processor [11] sends the graphical user interface [350] to a client device (22 – figures 2a-2e) with the graphical user interface [350] describing the content items (i.e., recorded programs) stored in the memory (i.e., memory 13/15 stores a directory of recording programs for the user and when requested, the programs are displayed for the user as shown in figure 18d) (¶ 0075-0080, 0082, 0148-0151, and 0196).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Rakib, Sheppard, and Hirota to include wherein a browser-based graphical user interface is stored in the memory, the processor automatically downloads and stores content items to the memory, the processor receives an instruction to retrieve the graphical user interface from the memory, and the processor sends the graphical user interface to a client device with the

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graphical user interface describing the content items stored in the memory as taught by Ellis for the benefit of providing a user-friendly display means for displaying to the viewer programs that have previously been recorded.

Rakib, Sheppard, Hirota, and Ellis fail to disclose circuitry managing the tuners and demodulators to allow recording of content to the mass storage device while processing other content for output to provide a rewind function for the content.

In an analogous art, Barton discloses circuitry (CPU 106/713 – figs. 1 & 7) managing the tuners and demodulators (Input Modules 201-204 – fig. 1) to allow recording of content to the mass storage device (hard disk 105/710 – figs. 1 & 7) while processing other content for output to provide a rewind function for the content (Col. 3, line 30 to Col. 4, line 22 and Col. 6, line 59 to Col. 7, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rakib, Sheppard, Hirota, and Ellis to include circuitry managing the tuners and demodulators to allow recording of content to the mass storage device while processing other content for output to provide a rewind function for the content as taught by Barton for the benefit of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs (Barton: Col. 1, lines 53-55).

As for Claim 4, Rakib, Sheppard, Hirota, Ellis, and Barton disclose, in particular Rakib teaches, wherein the processor receives a command from the client device that was transmitted from a remote control (Col. 33, lines 24-35).

As for Claim 5, Rakib, Sheppard, Hirota, Ellis, and Barton disclose, in particular Ellis teaches, wherein the processor retrieves another instruction from the memory that is associated with the command from the control (§ 0077-0078 and 0148-0149).

As for Claim 6, Rakib, Sheppard, Hirota, Ellis, and Barton disclose, in particular Ellis teaches, wherein the processor includes instructions in the graphical user interface that control the system from the client device (§ 0077-0078 and 0149-0152).

As for Claim 7, Rakib, Sheppard, Hirota, Ellis, and Barton disclose, in particular Ellis teaches, a data table (i.e., directory of recorded programs) stored in the memory that associates a content identifier (i.e., program title) to a usage indicator (i.e., is the program recording pending or has it been recorded) for each content item, the content identifier identifying each content item automatically downloaded to the memory and the usage indicator indicating that a content item has been played (§ 0080-0082 and 0148-0150)

Allowable Subject Matter

12. Claims 17-20 and 23-34 would be allowable if Claims 17 and 26 were rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

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13. The following is a statement of reasons for the indication of allowable subject matter: The prior art discloses connecting a video overlay processor between the system data bus and the media bus in claims 17 and 26, however the prior art fails to disclose, suggest, or teach superimposing a first audio-video signal over a second audio-video signal by the video overlay processor to produce a superimposed signal and sending the superimposed signal to the system data bus in combination with other elements recited in the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

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Examiner
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